

REMARKS

At the outset, the Examiner is thanked for considering the pending application. The Office Action dated June 8, 2009 has been received and its contents carefully reviewed.

Claims 1, 8, and 14 have been amended. No new matter has been added. Accordingly, Claims 1-16 are currently pending. Claims 10-13 have been withdrawn from consideration for the purpose of the June 8, 2009 Office Action. Reconsideration of the pending claims is respectfully requested.

The Office Action rejects the selected species of claims 1, 2, 5-9, 14, and 15 under 35 U.S.C. 102(b) as being anticipated by European Patent Publication No. 1013740 to Kita et al. (“Kita”). The Office Action also rejects the selected species of claims 1, 2, 5-9, 14, and 15 under 35 U.S.C. 102(b) as being anticipated by Japanese Patent Publication No. 2002-175883 to Yamada et al. (“Yamada”). Applicants respectfully traverse these rejections.

In order to anticipate a claimed invention, the prior art must disclose all the elements of the claim. Kita and Yamada both fail to disclose all the elements of claims 1, 2, 5-9, 14, and 15 and thus cannot anticipate these claims.

Amended claims 1, 8, and 14 recite “wherein if one of R₂ and R₃ is a substituted or unsubstituted heteroaromatic ring of furyl, thienyl, or pyridyl, then the other of R₂ and R₃ is also a substituted or unsubstituted heteroaromatic ring of furyl, thienyl, or pyridyl” (for claim 8, the claim element refers to R₅ and R₆ instead of R₂ and R₃). Neither Kita nor Yamada teach a compound where R₂ and R₃ is independently chosen to be quinolinyl. Also, the previous office action indicated that claims 1, 8, and 14 are allowable when both R₂ and R₃ are both heteroaromatic structures. Accordingly, neither Kita nor Yamada can anticipate claims 1, 8, and 14, or dependent claims 2, 5-7, 9, and 15. Applicants, therefore, respectfully request withdrawal of these rejections.

The Office Action also rejects the selected species of claim 16 under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Japanese Patent Publication No. 2002-324676 to Suzurisato et al. (“Suzurisato”). The Office Action further rejects the selected species of claim 16 under 35 U.S.C. 103(a) as being unpatentable over Yamada in view Suzurisato. Applicants respectfully traverse these rejections.

To render a claimed invention obvious, the combined teaching of the prior art must teach or suggest each and every element of the claims. The combined teaching of Kita and Suzurisato and the combined teaching of Yamada and Suzurisato fail to teach or suggest each and every element of claim 16 and thus cannot render this claim obvious.

Claim 16 depends on claim 14 and thus incorporates all the elements of claim 14. As discussed above, neither Kita nor Yamada teach every element of amended claim 14. Suzurisato does not cure the deficiencies of Kita and Yamada because Suzurisato also fails to teach the elected species of the compound of Formula (I) as recited in claim 14. Accordingly, the combined teaching of Kita and Suzurisato and the combined teachings of Yamada and Suzurisato cannot render claim 14 obvious and consequently cannot render claim 16 obvious. Applicants, therefore, respectfully request withdrawal of these rejections.

The Office Action also rejects the selected species of claims 3 and 4 under 35 U.S.C. 103(a) as being unpatentable over Kita in view of U.S. Patent No. 6,824,893 to Hoag et al. (“Hoag”). The Office Action further rejects the selected species of claims 3 and 4 under 35 U.S.C. 103(a) as being unpatentable over Yamada in view of Hoag. Applicants respectfully traverse these rejections.

The combined teaching of Kita and Hoag and the combined teaching of Yamada and Hoag fail to teach or suggest each and every element of claims 3 and 4 and thus cannot render these claims obvious.

Claims 3 and 4 ultimately depend on claim 1 and thus incorporates all the elements of claim 1. As discussed above, neither Kita nor Yamada teach every element of amended claim 1. Hoag does not cure the deficiencies of Kita and Yamada because Hoag also fails to teach the elected species of the compound of Formula (I) as recited in claim 1. Accordingly, the combined teaching of Kita and Hoag and the combined teachings of Yamada and Hoag cannot render claim 1 obvious and consequently cannot render claims 3 and 4 obvious. Applicants, therefore, respectfully request withdrawal of these rejections.

The application is in condition for allowance and early, favorable action is respectfully solicited. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. § 1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

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Respectfully submitted,

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